

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

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TIMOTHY R. WALGRIDGE, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLAHOMA

IN RE:

ROBERT W. HOPPER,
SSN #447-48-8759

Debtor,

ROBERT W. HOPPER,

Plaintiff,

v.

U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES,

Defendant.

Case No. 98-00540-M
Chapter 13

Adversary No. 98-0226-M

CONSENT JUDGMENT

Upon review of the Court's file and the Settlement Agreement executed between the Defendant United States of America by Stephen C. Lewis, United States Attorney, for the Northern District of District of Oklahoma, through Loretta F. Radford, Assistant United States Attorney, on behalf of its client agency, The Department of Health & Human Services, (hereinafter the "United States" or "DHHS") and the Plaintiff, Robert W. Hopper, ("Dr. Hopper") who is represented by Martha L. Endsley, Esq. (hereinafter, collectively the "Parties") and based upon the Parties agreements contained within this Settlement Agreement, the Court makes the following findings and Orders:

1. The parties agree and the Court finds that the above captioned bankruptcy case was commenced on February 13, 1998 and this adversary proceeding was commenced on July 31, 1998.

2. The parties agree and the Court finds that this Court has jurisdiction over this adversary proceeding and the parties hereto pursuant to 28 U.S.C. §1334 and 11 U.S.C §523 and other applicable law. This is a core matter pursuant to 28 U.S.C. §157.

3. That the parties herein disagree as to the existence, nature, validity and amount of DHHS's claim herein. In settlement of their vast disagreements the parties have agreed as set forth in the Settlement Agreement which is incorporated herein by reference.

4. The parties agree that DHHS should be permitted to have a judgment against Dr. Robert W. Hopper in the amount of Forty-six Thousand Five Hundred Seventy-two Dollars and Seventy-two Cents (\$46,572.72). Said amount is to be non-dischargeable under §523(a)(8) of the Bankruptcy Code.

5. The failure of Dr. Hopper to complete payment as contemplated by either alternative method of payment under the terms of the Settlement Agreement will in no way affect the validity of this Consent Judgment. In the event that Dr. Hopper fails to complete payment of the Forty-six Thousand Five Hundred Seventy-two Dollars and Seventy-two (\$46,572.72) judgment as contemplated by the terms of this Settlement Agreement, the amount of the Consent Judgment may be enlarged to the sum of Ninety-seven Thousand Five Hundred Eighty-six Dollars and Thirty-two cents (\$97,586.32), with interest accruing at the rate of 4.732% per annum upon DHHS taking certain actions as set forth in the Settlement Agreement. This larger judgment amount represents the amount of the Proof of Claim filed by the Department of Health and Human Services, Public Health Service on February 23, 1998, in the bankruptcy case.

6. The parties agree and the Court finds that each party will pay their own costs and attorney fees.

IT IS THEREFORE ORDERED ADJUDGED AND DECREED that judgment is entered against the Plaintiff Dr. Robert W. Hopper in favor of the United States Department of Health and Human Services, Public Health Service in the amount of Forty-six Thousand Five Hundred Seventy-two Dollars and Seventy-two Cents (\$46,572.72). Said amount is non-dischargeable in bankruptcy under §523(a)(8) of the bankruptcy code.

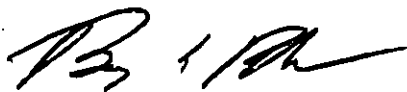
IT IS FURTHER ORDERED ADJUDGED AND DECREED that should the Plaintiff default on his monetary payments and acceleration by DHHS under the terms of this Agreement; and upon failure of the Plaintiff to repay the judgment through service under the terms of the Agreement, this judgment will be enlarged to the amount of Ninety-seven Thousand Five Hundred Eighty-six Dollars and Thirty-two cents (\$97,586.32).

IT IS FURTHER ORDERED ADJUDGED AND DECREED that this Adversary Case is concluded and each party will pay their own costs, expenses and attorney fees in this matter.

IT IS SO ORDERED on ^{October 20th} ~~August~~ 20, 1999.


UNITED STATES BANKRUPTCY JUDGE

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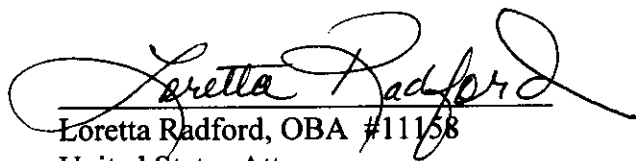


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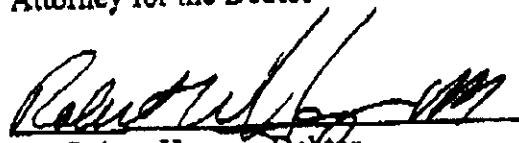
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